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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,738	04/20/2004	John McCaffrey	GLM-1062	5478
24131	7590	03/15/2005	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			OLSON, LARS A	
			ART UNIT	PAPER NUMBER

3617

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/828,738

Applicant(s)

MCCAFFREY, JOHN

Examiner

Lars A Olson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 13-16 and 20 is/are rejected.
- 7) ☒ Claim(s) 9, 11, 12 and 17-19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04202004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 2 recites the limitation "said outrigger support tube" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-8, 10, 13-16 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Roy (US 6,408,779).

Roy discloses the same electromechanically actuated outrigger assembly as claimed, as shown in Figures 1-3, that is comprised of a main body, defined as

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Part #14, with a bearing point and a support bearing, an outrigger support tube, defined as Part #24, that is connected to an outrigger boom, defined as Part #25, said outrigger support tube being pivotally connected to said main body at said bearing point, as shown in Figures 1-3, an electrical actuator, defined as Part #26, as described in lines 45-51 of column 2, that is connected to said main body and has a movable piston, and a lever assembly, defined as Part #29, that operatively connects said outrigger support tube to said piston in order to pivot said outrigger support tube about said bearing point between a fully retracted position and a fully extended position, as shown in Figures 1 and 2, said lever assembly being further comprised of a piston connection point, defined as Part #32, that is offset vertically and laterally from said bearing point, and is connected to said piston at said piston connection point. Said electrical actuator is further comprised of a piston control body, defined as Part #26, and a power supply assembly, defined as Part #34, that can be electrically connected to said piston control body, and supply at least one signal to said piston control body, allowing said piston control body to move said piston between a fully retracted position and a fully extended position dependent upon a state of said signal sent to said piston control body. Said main body is L-shaped, as shown in Figure 1, with first and second ends and a boat connection area, said piston control body being disposed at said first end, defined as Part #30, and said bearing point being disposed at said second end, defined as Part #21. Said signal to said piston control body is a power signal having first and second polarities, where said first polarity extends said piston, and said second polarity retracts said piston, as shown by Part #40 in Figures 1 and 2.

Roy also discloses a powered outrigger kit for connecting an outrigger boom to an existing outrigger holder of a boat, as described in lines 30-54, and shown in Figures 2 and 3, comprised of an electromechanically actuated outrigger assembly as previously described.

Allowable Subject Matter

6. Claims 9, 11, 12 and 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jordan, III (US 6,053,122) and Rupp (US 5,445,102) disclose fishing outrigger assemblies with a base assembly, an outrigger boom that is pivotally connected to said base assembly, and a boat connection assembly that connects said base assembly to a boat.

8. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

March 7, 2005

LARS A. OLSON
PRIMARY EXAMINER

Lars Olson
3/7/05